

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTINE LUCERO, as Next Friend
to DAN LUCERO

Plaintiff,

v.

No. 2:19-cv-445 KWR/KRS

CITY OF CLOVIS
POLICE DEPARTMENT et al.,

Defendants.

ORDER GRANTING JOINT MOTION TO APPROVE SETTLEMENT

THIS MATTER comes before the Court on the parties' Joint Motion to Approve Settlement, (Doc. 155), filed October 7, 2021. United States District Judge Kea Riggs designated the undersigned to hear and determine the motion pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule 72(a) of the Federal Rules of Civil Procedure. (Doc. 156). The Court held a telephonic hearing on the Motion on October 19, 2021, at which Plaintiff Christine Lucero, Dan Lucero, Jr., counsel for both parties, and trust attorney Susan Tomita appeared. At the hearing, the Court and counsel questioned Christine Lucero and Dan Lucero about the terms of the Settlement Agreement and the irrevocable Trust created for the sole benefit of Dan Lucero. (Doc. 158) (Clerk's Minutes). The parties waived appointment of a guardian *ad litem* for Dan Lucero. *Id.* Upon review of the Settlement Agreement and Trust, and having heard the testimony at the October 19, 2021 hearing, the Court determines that Christine Lucero and Dan Lucero, Jr. fully understand and agree to the terms of the Settlement Agreement and the Trust. Accordingly, the Court finds that the Settlement Agreement is fair, reasonable, and in Dan Lucero's best interests.

IT IS THEREFORE ORDERED that the parties' Joint Motion to Approve Settlement, (Doc. 155), is **GRANTED** and Next Friend, Christine Lucero, shall place the settlement proceeds into a trust for the sole benefit of Dan Lucero, Jr., as agreed to by the parties. The Court will separately file an order for closing documents to be filed within thirty days.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Kevin Sweazea".

KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE